IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Civil Application No.1 of 2006
In
Arbitration Petition No.5 of 2005

Shri Raosaheb Genuji Shinde Applicant
Vs.
Kum.Bharati Vasantrao Paithankar & anr.Respondents

Mr.M.M.Sathaye for applicant.
Mr.P.R.Arjunwadkar for respondents.

CORAM: B.H.MARLAPALLE, J.
March 17, 2006.

P.C.

. Arbitration Petition No.5 of 2005 was decided as per the order dated 14/10/2005 by appointing Hon'ble Shri Justice D.R. Dhanuka (Retd.) as the Sole Arbitrator. The Arbitrator so appointed proceeded to issue notices to the respondents on 14/12/2005. In the meanwhile modification in the order dated 14/10/2005 was sought and this Court on 13/1/2006 clarified that the appointment of the Arbitrator was not by consent and the appointment was made by this Court. It appears subsequently the respondents informed the arbitrator that they cannot afford the arbitration fees and consequently by his letter dated 10/1/2006 the Arbitrator has resigned. Therefore, this application to fill in the vacancy of the sole arbitrator on account of resignation.

. The order dated 14/10/2005 passed in Arbitration Petition No.5 of 2005 is hereby modified and in place of Hon'ble Shri Justice D.R. Dhanuka (Retd.), Hon'ble Shri Justice B.C. Gadgil (Retd.) is hereby appointed as the sole arbitrator.

. The application is allowed in terms of the above modifications.

. A copy of this order be forwarded to Hon'ble Shri Justice D.R.Dhanuka (Retd.) as well as Hon'ble Shri Justice B.C. Gadgil (Retd.).

(B.H.MARLAPALLE,J.)